

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

DAMONT HAGON,
Plaintiff,

: NO. _____

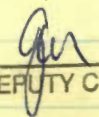
vs.

COMPLAINT

MICHAEL WENIADOWICZ,
JOHN WETZEL, BERNADETTE MASON,
v/k STETLER, v/k BANTA,
v/k SOKOLOWSKI, v/k NUSS,
v/k GONOWSKI, v/k NAMOWICZ,
v/k STEBEDA, v/k JESSE,
Defendants.

FILED
SCRANTON

OCT 15 2020

Per 
DEPUTY CLERK

I. INTRODUCTION

Plaintiff Damont Hagon (hereinafter "Hagon") brings this Court action Pursuant to 42 U.S.C. Section 1983 against defendants in their official and individual Capacity. The defendants are state officials.

II. PREVIOUS LAWSUITS

Hagon v. Chambers, et al, 1:08-cv-1766 (2008);
Hagon v. Beard, et al, 1:10-cv-883 (2009);
Hagon v. Dolphin, et al, 1:13-cv-2731 (2013);
Hagon v. Tritt, et al, 1:16-cv-1738 (2016); Hagon
v. Wetzel, et al, 1:18-cv-270 (2018); Hagon v.
Wetzel, et al, 1:19-cv-454 (2018); Hagon v. Wetzel

et al., 1:19-cv-454 (2019). All in the Middle District before Judge Conner.

~~III~~. EXHAUSTION OF REMEDIES

(a). There is a grievance system.

(b). Hagan has filed grievances concerning the issues mentioned in the Complaint.

(c). Hagan has exhausted all remedies.

IV. DEFENDANTS

1. John Wetzel (hereinafter "Wetzel") is the Secretary of the Department of Corrections ("DOC") and is responsible for the over-all operation of the institutions within and resides at: 1920 Technology Parkway, Mechanicsburg, PA. 17050.

2. Michael Wenerowicz (hereinafter "Wenerowicz") is the deputy Secretary for the Central region and is responsible for the overall operation of the institutions in the Central region and resides at: 1920 Technology Parkway, Mechanicsburg, PA. 17050.

3. Bernadette Mason (hereinafter "Mason") is the Superintendent at the State Correctional Institution ("SCI") at Retreat and is responsible for the overall operation at SCI Retreat, and resides at : 660 State Route 11, Hunlock Creek PA, 18621.

4. V/K Stetler (hereinafter "Stetler") is the deputy Superintendent for facility management at SCI Retreat and is a PRC member who is responsible for the overall operation of Security issues etc, and resides at : 660 State Route 11, Hunlock Creek, PA. 18621.

5. V/K Banta (hereinafter "Banta") is the deputy Superintendent for Centralized Services at SCI Retreat and is a PRC member who is responsible for the overall operation of Programming etc, and resides at : 660 State Route 11, Hunlock Creek, PA. 18621.

6. V/K Sokolowski (hereinafter "Sokolowski") is the CCPM at SCI Retreat and is a PRC member who is responsible for Programming etc, and resides at : 660 State Route 11, Hunlock Creek, PA. 18621.

7. V/K Nuss (hereinafter "Nuss") is a

Captain at SCI Retreat and is responsible for assigning officers to duties etc, and resides at: 660 State Route 11, Hunlock Creek, PA. 18621.

8. VIK Grohowski (hereinafter "Grohowski") is the unit Manager for the Restricted Housing unit ("AHU") and the Diversionary Treatment unit ("DTU") and is responsible for the operation of said units, and resides at: 660 State Route 11, Hunlock Creek, PA. 18621.

9. VIK Namowicz (hereinafter "Namowicz") is the unit Manager for B-Block and is responsible for the operation of said unit, and resides at: 660 State Route 11, Hunlock Creek, PA. 18621.

10. VIK Stobeda (hereinafter "Stobeda") is a teacher at SCI Retreat and resides at: 660 State Route 11, Hunlock Creek, PA. 18621.

11. VIK Jesse (hereinafter "Jesse") is the Property Officer for the general Population at SCI Retreat and resides at: 660 State Route 11, Hunlock Creek, PA. 18621.

V. STATEMENT OF CLAIMS

12. on December 11, 2019 Hagan filed three (3) meritorious grievances against State Correctional Staff at SCI Retreat for numerous violations, including but not limited to "denial of Placement on a general Population treatment unit."

13. on December 11, 2019 Hagan spoke with Deputy Secretary Wenerowicz who was accompanied by Mason, his assistant and Namowicz. Hagan specifically informed him that he was having adjustment issues after moving off a treatment unit and felt unstable and self-mutilative. Hagan further informed him that he was to be transferred and staff such as Namowicz, Mason etc. were telling him that if he pursued any grievances he would not be transferred and would receive no treatment. Wenerowicz informed Hagan to work this out with facility staff. Hagan asked him how was he to do this when he was being retaliated against at every level of administration including Superintendent, Deputy, unit Manager etc. He directed Hagan to "figure it out."

14. The following relevant events occurred prior to Hagan speaking with Wenerowicz which lead to Hagan's verbal Complaint to him:

(i). Hagan's friend Julie Chen who is / was a Paralegal Sent a letter and Civil action to Supt. Mason on September 5, 2019 requesting that she resolve Hagan's issues within 45 days or the civil action would be filed.

(ii). Approximately six (6) days later Hagan was removed from the Residential Treatment unit ("RTU") and placed on B-block which is a non-therapeutic / treatment unit.

(iii). After Hagan was informed by Stetler that he and Mason were the cause of him being removed from the RTU due to the letter drafted by Julie. Hagan filed a grievance against Mason and Stetler and three (3) other grievances at numbers 827292, 827295, 835585 and 835583.

(iv). Hagan was approached by Namowicz about these grievances and informed that he would not be transferred close to home if he pursued

The civil action mentioned is now before this Honorable Court at Hagan v. Mason, et al, NO. 1:19-cv-2120.

these grievance and Hagan was directed to withdraw¹ which he complied.²

(v). on B-block Hagan started to become unstable and have adjustment issues and he cut himself on three (3) different occasions, lost weight due to lack of eating and felt very irritated. Hagan informed mental health staff of this. Also, Hagan had / has an active depression disorder and is categorized as seriously mentally ill and have just done 13 years straight in Solitary / isolation confinement.

(vi). Hagan filed a grievance against staff for failing to schedule a Psychiatric Review Team meeting so that he could address his mental health issues. Staff quickly attempted to schedule a PAT meeting for December 11, 2019 and Namowicz again directed Hagan to withdraw the grievance in which he did.

² Hagan was promised a transfer closer to home for his completion of the Behavior Management unit ("BMU") but had to complete his AOD program first which ended December 5, 2019. Hagan's transfer was fully approved around December 9, 2019.

(vii). on December 3, 2019 Hagan received a response by LPM Carie stating that he could not address going to a RTU block at his PAT meeting due to it being a "management" issue and Hagan filed a grievance about this issue at No. 837557 on December 4, 2019.

(viii). on December 9, 2019 Hagan spoke with Namowicz who asked him to withdraw grievance No. 837557 and Hagan replied "no." Namowicz followed with "I can still make it hard for you." Hagan informed him to do as he wished. Hagan filed a grievance about this at No. 839767.

(ix). on December 11, 2019 Hagan was informed by Psychological staff member Ms. Madrovsky that he would not see PAT that day. She informed Hagan that PAT would not see him while grievance No. 837557 was pending. Hagan filed a grievance on this at No. 839767.

15. on December 12, 2019 Hagan was called over to the podium by Sgt. Jones while coming back from chow, and told to give his identification to him. Sgt. Jones stated to Hagan "we don't like people here who file grievances. You'll go hungry today." Hagan could not eat dinner

due to him needing an ID. in order to eat.

16. on December 13, 2019 Hagan was approached by staff while in general population and told to cuff-up and that he was being taken to solitary confinement.

17. once Hagan got to the administrative building he was approached by VIK Nuss. Nuss pulled out grievance numbers 839733, 839741 and 839767 and asked Hagan did he file these. Hagan replied yes and Nuss directed Hagan to write the grievance coordinator and withdraw the grievances or no (Hagan) was [going to the hole]. Hagan refused, and Nuss told Hagan that he was going to the hole and that his friend "Jesse" would tamper with his property. Hagan was taken to the hole / solitary.

18. Later on December 13, 2019 Hagan received a false "others report" at NO. D391353 stating that he was under investigation from Nuss.

19. on December 13, 2019 Hagan received a copy of a property inventory sheet at NO. A252924 signed by Jesse reflecting that numerous items of Hagan's was missing, including, but not limited to his radio, head phones

Shower shoes , 35 books , legal work etc.

20. on December 15, 2019 Hagan filed a grievance regarding his Property but this grievance was rejected by the grievance Coordinator on Dec. 17, 2019.

21. Hagan wrote to Stetler requesting that all videos showing where his Property went and showing it inventoried be preserved for litigation. Hagan also complained about Nuss and Jesse's Conspiracy.

22. on December 18, 2019 Hagan was seen by PRC and he reported that he was missing multiple items from his Property and could prove this.

23. on December 19, 2019 Hagan's Property was reinventoried and multiple of his items mysteriously popped up, except for his legal mail, regular mail and books.

24. on December 23, 2019 Hagan filed a Second grievance about his Property following all procedures by attaching proof that he at one time had at least 32 books in his possession, legal mail and letters.

25. Grievance Coordinator Mahany arbitrarily rejected this grievance on December 30, 2019. Hagan wrote her a request slip threatening to sue her if

She continued to harass him, and she immediately processed the grievance on January 3, 2020.

26. on December 20, 2019 the false misconduct rendered against Hagan on December 12, 2019 was dismissed on appeal.

27. on December 20, 2019 reporting officer Stubeda was notified that Hagan had defeated her misconduct and she re-wrote the same misconduct.

28. on December 24, 2019 Hagan defended against the false misconduct and the Hearing Examiner dismissed the misconduct in its entirety.

29. on December 26, 2019 Stubeda was made aware that Hagan again defeated her misconduct and in response she re-wrote the misconduct, but this time adding two (2) more charges including "assault."

30. An assault charge has a significantly serious aspect to it within the Doc.

31. Nuss received the misconduct for approval and failed to investigate the misconduct and Hagan's mental health status, and created

a Sence of Seriousness to the misconduct that was not Present on the first two cas misconducts Stating that Stubeda's Safety was at risk.

32. Nagan wrote to Stetler informing him that there was no justification as to why he was not written up for assault or using inappropriate language the two cas Prior misconducts which is a mandatory requirement, and requested that he intervene and have the misconduct Process Ceased. Stetler responded by informing Nagan that he should work with staff and reframe from using the grievance Process.

33. Nagan also wrote Banta on December 26, 2019 and informed her that the misconduct was never investigated and he was never Seen by mental health which is a mandatory requirement and requested that the misconduct Process Ceased. Banta responded by informing Nagan that he should work with staff and reframe from using the grievance Process.

34. Nagan was Seen by a Hearing Examiner on December 31, 2019 and defended against the misconduct, Successfully defeating all charges except for using abusive language and received 30 days in isolation.

35. on January 12, 2020 Hagan received a request slip response from Banta stating that he was Switched to Administrative Custody status on January 8, 2020 and that his AC hearing was held in absentia due to his refusal to attend PhC and he was being held in AC status Pending "Seperation" transfer :

(i). Hagan's AC hearing was held on January 8, 2020 at approximately 10:00 am ;

(ii). Hagan received notification that he was being Placed on AC Status due to not being Classified for General Population at SCI Retreat on January 8, 2020 at 2:05 PM ;

(iii). in accordance with DC ADM 802 Policy on AC hearing is to be Conducted after an inmate receives notification ;

(iv). Banta, Stetler, Sokolowski and Mason used false information that Hagan was originally Confined on December 12, 2019 and that he was found guilty of Charges dismissed to justify a Seperation transfer ;

(v). Banta's, Stetler's, Sokolowski's and Mason's arbitrary application of DC ADM

802 deprived Hagan of a hearing and from properly challenging this false information;

(vi). a separation transfer changes the dynamics of Hagan's transfer subjecting him to be transferred further away from home;

(vii). Banta's, Stetler's, Sokolowski's and Mason's false information was used to place Hagan on AC status which is a status that kept Hagan confined in isolation. Hagan stayed in isolation until January 23, 2020.

36. on January 14, 2020 two (2) grievances were filed that Hagan drafted complaining about staff using false documentation to alter his transfer and he requested that his transfer be corrected and that he be sent to a prison in the Western region with a Special Needs unit ("SNU").

37. SNU's are for D roster inmates who are "functional." Hagan is a functional D roster inmate.

38. The next day (January 15, 2020) Mason had Hagan transferred with ~~4~~⁴ other inmates to SCI Camphill.

39. SCI Camphill is in the Central region approximately 3 1/2 hours away from Hagan's home.

40. SCI Camphill does not have a SNU or any mental health unit that Hagan qualifies to be on.

41. Hagan is now on K-block at SCI Camphill and there are no treatment groups offered on the unit and no mental health staff makes rounds.

42. on January 15, 2020 Hagan was taken to Property to pack his belongings to take with him to SCI Camphill. Jesse and Nuss were both present and Hagan was sent to SCI Camphill without any of his Paperwork and other belongings. (see exhibits B and B-1).

43. Jesse was responsible for making sure that Hagan's Property was loaded on the Van to SCI Camphill.

44. on February 5, 2020 Hagan's footlocker was sent to him to SCI Camphill and all of Hagan's "Paperwork" was missing. This missing Paperwork included:

(ii). request slips addressed to Mason where she responded directing Hagan to Cease filing Paperwork ;

(iii). request slips addressed to Banta and Stetler pointing out misconduct Process violations where they responded that Hagan should work with staff and stop filing grievances ;

(iii). Statements / declarations from Witnesses who verifies the inculpatory statements from Banta , Stetler and Grohowski which were made between December 13, 2019 through January 15, 2020 ;

(iv). a statement written immediately by Hagan which captured word-for-word what was said to him by Nuss on December 13, 2019 ,etc, etc, etc.

JOHN WETZEL

45. on January 1, 2020 Hagan wrote to Wetzel detailing the issues that he was having at SCI Retreat. (see exhibit A - ATTACHED).

46. on January 10, 2020 Hagan was informed

that Wetzel would not get involved with the abuses being perpetrated against him.

47. Wetzel is sufficiently aware that Hagan is an inmate at high risk to be retaliated against for exercising his rights, and he knows this through :

(i). In the year 2016 Hagan Settled a Civil action against Wetzel et al at NO. 1:13-CV-2731 which alleged that Wetzel et al were "retaliating" against him by minimizing his mental health status to hide him from D.O.J investigators.

(ii). In the year 2018 Hagan Settled a Civil action against Doc Officials at NO. 1:16-CV-1738 which alleged that Doc officials were "retaliating" against him by giving him twelve (12) years worth of disciplinary time for exercising his first Amendment rights.

(iii). In the year 2018 Hagan Settled a Civil action against Wetzel et al at NO. 1:18-CV-270 which alleged that Wetzel et al were "retaliating" against him by depriving him the opportunity to progress in the BMU Program due to him exercising his First Amendment rights.

(iv). In the year 2020 Hagan Settled a Civil action against Wetzel et al at No. 1:19-cv-454 which alleged that Wetzel et al were "retaliating" against him by Wetzel interfering in a transfer from SCI Smithfield's BMU Program to SCI Retreat's BMU Program.

(v). In the year of 2016 Hagan filed a state Petition for writ of Habeas Corpus at No. 2016-1632 against Wetzel et al in Huntingdon County alleging that Wetzel et al were retaliating against him by Sending him to an institution where he had a Conflict of interest. This Writ of Habeas Corpus is still Pending.

48. Hagan Continues to Write to Wetzel to no avail. Wetzel refuses to respond. (see exhibits A-1, A-2).

COUNT I.

49. Jesse and Nuss Conspired to retaliate against Hagan for filing grievances by Placing him under a false investigation with the sole purpose to deprive him and /or destroy his property in violation of the First Amendment. Incorporate Paragraphs 16, 17, 18 and 19.

COUNT II .

50. Jesse retaliated against Hagan for filing grievances against him by withholding Hagan's Property when he was transferred and destroying all of his Paperwork in violation of the First Amendment. Incorporate Paragraphs 38, 42, 43 and 44.

COUNT III .

51. Nuss retaliated against Hagan for Complaining about him Placing him under false investigation by approving a false misconduct without investigation and exaggerating the Seriousness of the false misconduct in violation of the First Amendment. Incorporate Paragraphs 21, 26, 28, 29, 30 and 31.

COUNT IV .

52. Stubeda retaliated against Hagan for Successfully defending against a false misconduct she wrote twice by adding false charges that were of a much Serious nature than she Put on the first two misconducts in violation of the

Fourteenth and First Amendment. Incorporate
Paragraphs 26, 27, 28, 29, 30 and 34.

COUNT V.

53. Namowicz retaliated against Nagan due to
him filing grievances by using his incentive transfer
as leverage to control his rights, leading to Nagan
withdrawing multiple meritorious grievances in
violation of the First Amendment. Incorporate
Paragraphs 14 (i - ix).

COUNT VI.

54. Stetler, Mason, Banta and Sokolowski
retaliated against Nagan due to him filing grievances
and complaining by using false information to keep
him confined in isolation, which lead to an
arbitrary transfer in violation of the First Amend-
ment. Incorporate Paragraphs 14 (i-iii); 21, 22,
32, 33, 35 (iv), 36, 37, 38, 39, 40 and 41.

COUNT VII.

55. Banta, Stetler and Sokolowski retaliated

against Hagan by refusing to provide notice of the reasons why he was to remain in isolation in Administrative Custody status prior to giving him a hearing so that he could properly challenge the false information used in violation of the First Amendment. Incorporate Paragraphs 35 (i-vii).

COUNT VIII .

56. Wenerowicz had knowledge of defendants' retaliation against Hagan but instead of appropriately addressing the issue he acquiesced by leaving Hagan to "figure it out," in violation of the First Amendment. Incorporate Paragraph 13.

COUNT IX .

57. Wetzel who has sufficient knowledge that Hagan is an inmate at high risk to be retaliated against by DOC officials and that an on-going campaign of harassment exists, continues to acquiesce and permit him to suffer injury after injury in violation to the First Amendment. Incorporate Paragraphs 45, 46, 47 (i-v) and 48.

VI. RELIEF

1. Hagan request nominal damages of two-hundred dollars (\$200.00) from each defendant mentioned in this Complaint in their individual Capacity.

2. Hagan request Compensatory damages of twenty-thousand dollars (\$20,000.00) from each defendant mentioned in this Complaint for violation of his rights in their individual Capacity.

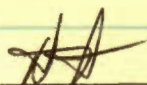
3. Hagan request Punitive damages of fifty-thousand dollars (\$50,000.00) from each defendant mentioned in this Complaint in their individual Capacity.

4. Hagan request injunction relief from Wetzel in his official Capacity directing him to take corrective action designed to minimize retaliatory action by Doc officials directed ~~at~~ Hagan.

5. Hagan request a trial by jury.

I Damont Hagan do hereby declare that all facts herein is true and correct to my personal knowledge. Pursuant to 28 U.S.C § 1746.

DATE: 8-11-20


Damont Hagan # DS9488
PO Box 208
Camphill, PA. 17001-0200

DAMONT Hagan # DS9488
PO Box 308
Camp Hill, PA. 17601

Office of The Secretary
1920 Technology Parkway
Mechanicsburg, PA. 17050

February 3, 2020

RE: SCI Camp Hill

Dear Mr. John Wetzel,

Hello Sir. My name is Damont Hagan # DS9488 and i'm an inmate at SCI Camp Hill. I'm writing concerning a very serious matter and request your assistance.

Sir, as you know, I was sent to SCI Camp Hill from SCI Retreat on January 15, 2020. Also, you are aware that I am a Droster inmate, who has just completed the Behavior Management Unit Program after 13 years in isolation / Solitary Confinement. I state this to imply that I am still adjusting to General Population. Furthermore, I am labeled a "functional"

D roster inmate.

Now, with the above stated, i'd like to point out some very important issues that i'm requesting you to correct by transferring me to a D-roster institution with a "Special Needs unit."

Sir, I am now in General Population at SCI Camphill on K-Block. I've been housed on this unit since January 23, 2020 and have noticed the following:

1. there is not a PSS / PSA on the unit and none makes any rounds;

2. there is not any mental health groups offered on the unit or structured activity for the D-roster inmates;

3. we are locked in our cells for a very large portion of each day; and

4. the unit staff does not seem to

have any training with dealing with SMX inmates.


I point this out to attempt to show you the adverse action I'm suffering regarding this retaliatory transfer. I went from getting a modicum amount of treatment at SCI Retreat to receiving NONE at SCI Camphill. I know that "on paper" SCI Camphill is a D roster facility, but, I can assure you that in reality it's NOT. This is nothing more than a isolation institution with boot camp characteristics.

Sir, I again point out that I am a functional D-roster inmate, meaning, I do not qualify for the BTU. As a functional D I am qualified for the Special Needs unit. By keeping me here at SCI Camphill you are suggesting or implying that I am not entitled to the additional mental health treatment / support that other D roster (functional) inmates are entitled to.

There's a reason why there's Residential Treatment units AND Special Needs Units. The inmates with "functional impairment" goes to D-roster institutions with RTU's and "functional" D-roster inmates goes to institutions with SNU'S. IF I were to start having issues (mental health), there is **NOTHING** here for me. Since I don't qualify for a RTU, I'm left to fend for myself ~~or~~ get in trouble and go to the DTU... why do I have to get in trouble just to get some support and treatment?

Please help me and correct this matter. I humbly await your response.

Truly,



cc: Supt. Ms. L. Harry

Office of The Secretary
1920 Technology Parkway
Mechanicsburg, PA. 17050

February 3, 2020

Re: Retaliation...

Dear Mr. John Wetzel,

Hello Sir. My name is Damon Hagan # DS9488 and I'm an inmate at SCI Camp Hill. I'm writing in regards to Continuous Retaliation by DOC employees and request that you intervene.

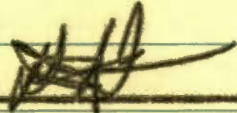
Sir, today I was called to Property to retrieve Property that was maliciously held at SCI Retreat by Property officer C.O. Jesse. After going through this Property, I discovered that I am missing all of my legal material and documents except for one (1) legal envelope that I received in the AHU / DTU and one (1) letter that I received in the DTU / AHU. Everything else is missing.

I've enclosed multiple Property inventory sheets to substantiate that there is indeed

a Property issue. Firstly, I direct you to Property inventory sheet NO. A 290957 which I received today. As you can see, Camp Hill staff only acknowledged the one (1) legal letter and one (1) piece of mail I received while in the AHU / DTU. There is absolutely NO acknowledgment of the miscellaneous "Paperwork" that I had which C.O. Jesse attempted to put under "legal mail" on Property inventory sheet NO. A 252957 - which is also enclosed in the second envelope. Furthermore, the Property that followed me initially reflected on Property inventory sheet NO. A 079141 (also enclosed) clearly shows that no Paperwork, legal mail or mail was sent with me as inventory sheet NO. A 252957 reflects.

Sir, as you can guess, C.O. Jesse have done this "after" I have filed grievances against him regarding his Conspiracy with Lt. Nuss where they stole my Property in an attempt to force me to withdraw multiple grievances that I've filed. This is an old issue (retaliation) that I have brought to you for years and I am calling on you to **FINALLY** act by directing SCI retreat to Send me my miscellaneous Paperwork that they have which is needed for litigation. Also, I truly need for you to act in a way that curbs retaliatory actions against me in the

future. You are very aware of the fact that
i'm retaliated against frequently and something
should be done to permit me to file grievances,
litigation etc without fear of retribution.
I truly thank you.



All property is/was present and accounted for. No property was missing and/or damaged. Property exceeding the allowable property limit has been addressed per the applicable policy. Excess property in the form of legal property (active cases only) is in accordance with Department policy 6.3.1 Section 20. The inmate has been informed that allowable property must be contained in the containers permitted by the applicable policy. Inmate's signature above acknowledges accuracy.

PINK - SENDING FACILITY COPY OR MAILROOM, IF APPLICABLE
GOLDENROD - INMATE COPY WHEN ITEMS ARE INVENTORIED

32
Damont Hagas #1059488

SCI Campbell

P.O. Box 33028

St. Petersburg, FL 33733

RECEIVED
SECTION

SEP
OCT 15 2020

PER

CLERK